

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 22-178 (SRN/DTS)

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United States of America,

Plaintiff,

v.

Deveon Marquise Branch,

Defendant.

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**DEFENDANT DEVEON MARQUISE  
BRANCH'S MOTION FOR  
GOVERNMENT AGENTS TO  
RETAIN ROUGH NOTES**

The above-named Defendant, Deveon Marquise Branch, by and through his attorney, Glenn P. Bruder, and pursuant to 18 USC § 3500 and *Brady v Maryland*, 375 US 83 (1963), moves the court for an order requiring any law enforcement agent, including any confidential reliable informants, to retain and preserve all rough notes taken as a part of their investigation, whether or not the contents of such rough notes are incorporated in official records, on the following grounds:

1. Rough notes are considered statements within the meaning of Title 18, United States Code, Section 3500(e)(1); *United States v Bernard*, 607 F.2d 1257 (9th Cir.) 1979); *United States v Gaston*, 608 F.2d 1257 (9th Cir. 1979); *United States v Gaston*, 608 F.2d 607 (5th Cir. 1979);

2. Destruction of rough notes by law enforcement official usurps the judicial function of determining what evidence must be produced. *United States v Harris*, 543 F.2d 1247 (9th Cir. 1976);

3. The rough notes may contain facts favorable to the defense.

This motion is based on the indictment, the records and proceedings herein, such testimony as may be presented at the motion, and any briefing which the court may require thereafter.

Dated: September 28, 2022

Respectfully submitted,

MITCHELL, BRUDER & JOHNSON

*/s/ Glenn P. Bruder*

Attorney for Defendant

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